

Extension of Time

Applicant previously requested on April 9, 2010 withdrawal of the finality of the Office Action dated March 16, 2010 in that it was the first issued Office Action on the merits of claim 8. Claim 8 had not previously been examined on the merits since it was improperly objected to as an improper multiple dependent claim in an earlier Office action when in fact it was a singularly dependent claim.

On June 25, 2010, the Examiner issued a communication indicating that the finality of the Office Action dated March 16, 2010 had been withdrawn. This withdrawal of the finality of said Office Action is appreciated.

The Examiner, however, did not reset the period for reply. It is respectfully submitted that this is not in accordance with accepted Office policy and that it unfairly prejudices the applicant. Only after the Examiner issued the communication on June 25, 2010 was applicant aware that further amendments could be made as a matter of right. Until that time, applicant was precluded from considering entry of further amendments inasmuch as this would not have been an option if the finality of the March 16, 2010 Office Action had been maintained. Accordingly, it was not until after June 25, 2010 that applicant's undersigned representative could inform applicant's instructing representative, who is located overseas, that amendments could be made as a matter of right in view of the withdrawal of the finality of the Office Action.

Therefore, it is respectfully requested that the period for response to the March 16, 2010 be reset to three months from the date of withdrawal of the finality of the Office Action on June 25, 2010, until September 25, 2010. In such case, the filing of this response would be timely without the need for an extension.

If this request is denied, and an extension of time is needed to make the filing of this paper timely, please consider this a petition for the requisite extension and charge the fee to our Deposit Account No. 18-0988 (under the above Docket Number).